



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
STATE PLANNING COMMISSION
OFFICE OF SMART GROWTH

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Acting Executive Director & Secretary

**Bergen County Cross-acceptance III Public Hearing
New Jersey State Planning Commission
Minutes of the Meeting Held May 8, 2007
Bergen County Administration Building
Freeholder Meeting Room
One Bergen County Plaza, 5th Floor
Hackensack, New Jersey 07601**

WELCOME & INTRODUCTIONS

Benjamin Spinelli, Acting Executive Director and Secretary, called the May 8, 2007 meeting of the New Jersey State Planning Commission to order at 7:15 p.m. Mr. Spinelli proceeded to introduce the State Planning Commission (SPC) members in attendance. Kenneth Albert, Public Member and John Eskilson, Local Government Representative attended on behalf of the SPC. Also in attendance was Louise Wilson, Public Member of the SPC. Mr. Spinelli then introduced Donna Orbach, Division Director of the Regional Planning and Transportation Division of the Bergen County Department of Planning and Economic Development. Mr. Spinelli then introduced staff attending on behalf of the Office of Smart Growth (OSG) and OSG's State Agency partners. The following people were in attendance on behalf of OSG: Jung Kim, Principal Planner and Lorissa Whitaker, Area Planner within OSG. The following people were in attendance on behalf of OSG's State Agency partners: Veda Truesdale, New Jersey Department of Environmental Protection (NJDEP) and Helene Rubin, New Jersey Department of Transportation (NJDOT).

OPEN PUBLIC MEETINGS ACT

Mr. Spinelli announced that notice of the date, time and place of the meeting had been given in accordance with the Open Public Meetings Act.

PLEDGE OF ALLEGIANCE

Mr. Spinelli asked everyone to stand for the Pledge of Allegiance.

OVERVIEW OF BERGEN COUNTY CROSS-ACCEPTANCE & THE STATE PLAN

Mr. Spinelli provided an overview of the third round of the Cross-acceptance process. The presentation noted the various internal, interagency and staff-to-staff meetings that have taken place to date, and the role of Bergen County as the negotiating entity on behalf of municipalities and the local public. Of the 84 total meetings involving the 21 counties, 73 have already taken place, accompanied by numerous smaller meetings and telephone conferences. Through discussions with the counties, most of the issues outlined in the county Cross-acceptance reports have been resolved.

Mr. Spinelli explained the role of the State Plan Policy Map (SPPM) as a graphic depiction of the State Development & Redevelopment Plan's (State Plan) goals and policies. A draft State Plan is scheduled to be released in the fall of 2007. To be adopted in late 2007 or early 2008, the State Plan will have a new format, following the elements of a local master plan per the Municipal Land Use Law (MLUL).

Mr. Spinelli highlighted characteristics and issues unique to Bergen County, which includes an extensive network of roads and rail, as Bergen is the most populous county in the State. He noted that policy issues took up most the staff-to-staff meeting between OSG and the County and that these will be considered in revising the text of the State Plan. Bergen County issues focused on urban policy, affordable housing and the Council on Affordable Housing (COAH), reinvestment along rail corridors, fixing existing infrastructure, school costs and taxes.

He also noted that the Preliminary State Plan Map does not reflect changes proposed from the staff-to-staff meeting. On both the policy and mapping issues, further opportunities exist for the public to provide input.

Regional planning initiatives and coordination with the Meadowlands and Highlands was also discussed.

BERGEN COUNTY CROSS-ACCEPTANCE REPORT PRESENTATION

Donna Orbach, Division Director of the Regional Planning and Transportation Division of the Bergen County Department of Planning and Economic Development, commenced this part of the agenda by recognizing the people who worked diligently to complete Cross-acceptance within Bergen County's Regional Planning and Transportation Division. Ms. Orbach introduced the following staff: Kenneth Aloisio, Regional Planning and Transportation Division; Christopher Helms, Regional Planning and Transportation Division; and Laura LiVecchi, Regional Planning and Transportation Division. Ms. Orbach then proceeded to state that this was a huge effort on the part of the County and its municipalities, as they had over 200 citizens and almost all 70 municipalities involved in the process.

Ms. Orbach went on to state that the last round of Cross-acceptance focused on the policies of the State Plan, where in this round the County chose to focus on the mapping. The start of Cross-acceptance III dovetailed with the release of NJDEP's I-Map and that the County focused on the map to correct technical errors, as they relate to wetlands delineations and other environmentally sensitive features. Most of the issues in the Bergen County Cross-acceptance report have been resolved with the exception of some issues that lie within 13 of the 70 towns within Bergen County.

PUBLIC COMMENT

Commenter 1: Mr. Frank Conte of Franklin Lakes Borough was concerned about map OSG Item number 36 (Franklin Lakes – 35) that identified several historic sites. Mr. Spinelli indicated that all sites and/or districts on the State or National Register of Historic Places may be placed on the map. This is an item that the SPC still has to make a decision on.

Commenter 2: Mr. Keith Brussel of Cresskill Borough asked the panel if they were aware of the Rutgers study that was released recently depicting that the State of New Jersey will be the first state to reach build-out and this will occur by 2040. Mr. Brussel also spoke about infrastructure expansion, particularly to the northern parts of Bergen County. Mr. Eskilson and Mr. Albert replied in stating that funding issues need to be addressed by the state to prioritize areas suitable for development and redevelopment.

Commenter 3: The Honorable Paul Tomasko, Mayor of Alpine Borough was concerned about the Borough's planning area designation as a Planning Area 1 (PA-1) Metropolitan Planning Area. Mayor Tomasko stated that Alpine has no land left for development; low population density; 85% of the Borough runs on individual septic systems; has Threatened and Endangered (T&E) habitat; the Borough has the largest portion of the Palisades Interstate Park within the Borough; has Category 1 (C1) waterways; and little or no existing wastewater capacity. Mayor Tomasko stated that for the abovementioned reasons, Alpine Borough should be re-designated to a Planning Area 5 (PA-5) Environmentally Sensitive Planning Area.

Commenter 4: Mr. Paul Busch of Teterboro Borough spoke on several issues that pertain to the Borough of Teterboro. At first, Mr. Busch implied that the County had not met with the Borough; however after review of the Bergen County Cross-acceptance Report, Mr. Busch was corrected and the County did, in fact, meet with a Borough representative. Mr. Busch was concerned with issues about the extension of mass transit into the Borough. The Borough of Teterboro had one mapping amendment and it was deemed an *Agreement* by OSG. Mr. Busch's main concern was addressing stormwater management strategies within the Meadowlands District. Mr. Busch maintains that dredging should occur to mitigate stormwater runoff effects that are devastating to the County, as seen in the last Nor'easter that hit in April 2007.

Commenter 5: Mr. John DePinto, Planning Board Chairman for Montvale Borough asked if the new housing element in the new State Plan address specific obligations for round III substantive certification for COAH. Mr. Spinelli replied in stating that the State Plan will provide guidance on how municipalities can alleviate costs associated with providing affordable housing and also how to meet that obligation. Mr. DePinto then asked if Plan Endorsement makes COAH a mandatory requisite? Mr. Spinelli replied in stating that it's the other way around. When municipalities petition for substantive certification, COAH mandates that the municipality must come to OSG to obtain a Plan Endorsement. Mr. DePinto stated that Montvale Borough's attempt to provide affordable housing will be a costly burden. Montvale Borough is located in a PA-1, an area in which growth is encouraged, and this will create a costly burden to provide additional infrastructure. Directing these infrastructure costs to developers will increase housing costs thus eliminating opportunities to provide affordable housing. Mr. DePinto stressed the importance of prioritizing funding to these municipalities. He also stated that the State Plan is no longer advisory.

Commenter 6: The Honorable Sophie Heymann, Mayor of Closter Borough stated that the planning area designation (PA-1) for Closter Borough is inappropriate. She states that the community is not as dense as other PA-1 and doesn't understand why the State broadly "brushes" this area in red. Mr. Spinelli replied in stating that the State Plan Policy Map (SPPM) has to be looked at from a statewide perspective. Mayor Heymann feels that it shouldn't be viewed from a statewide perspective but on a micro level instead. She stated that Plan Endorsement is too costly for the Borough to participate in. Ultimately, she feels that Closter Borough should be re-designated from a PA-1 to a PA-5. Mr. Spinelli responded in stating that these areas have the available infrastructure to accommodate growth and a relatively dense population. Mr. Spinelli then stated that the State only have 5 planning areas to work with and that one of the issues that continues to be raised throughout Cross-acceptance is to address whether or not these planning areas should have sub-planning areas to address the diversity within these regions of the State and to handle these differentiations (a decision that the SPC would have to make). Mr. Albert stated that local zoning supersedes, as New Jersey is a home rule State. Ms. Orbach went on to state that Bergen County has been within PA-1 since the first round of Cross-acceptance and yet priority funding has not been given to Bergen County for transportation, particularly to alleviate traffic congestion and provide opportunities for new rail and mass transit. Ms. Orbach stressed that the State must prioritize these areas for investment and funding and that this needs to occur through a legislative action.

Commenter 7: Mr. Christopher Rutishauser of the Village of Ridgewood Borough expressed concerns with the State providing funding to PA-1 areas to mitigate stormwater runoff effects that are devastating to the County, as seen in the last Nor'easter that hit in April 2007. He maintains that priority funding should be given by the State to PA-1 areas.

Commenter 8: Ms. Christine Hickman of Norwood Borough expressed concerns regarding COAH. Ms. Hickman asked if COAH substantive certification was a requisite for the Plan Endorsement process even after the Appellate Court decision. Mr. Spinelli replied by stating that the State's municipalities will see that the growth share methodology will be upheld although you may see a difference in the ratios and calculations for providing that affordable housing obligation. Ms. Hickman then asked if municipalities should come through Plan Endorsement now or wait until COAH's growth share methodology has been amended. Mr. Spinelli replied in stating that the sooner municipalities start seeking the Plan Endorsement process, the better. Mr. Albert asked if Norwood Borough has met all prior round obligations. Ms. Hickman had stated that Norwood Borough has met all round obligations including round III. Ms. Hickman also expressed concern for NJDEP's designation process for C1 streams. She expressed concerns for the mapping methodology, as Norwood Borough has three C1 corridors with feeding tributaries. Ms. Hickman stressed the importance of protecting these tributaries, as they are vital source of drinking water in the State. Mr. Albert replied by stating that local zoning will be able to protect these corridors and tributaries by imposing buffer ordinances, protecting open space and restricting development in and around these vital resources. Mr. Spinelli also stated that when Norwood Borough formally submits for Plan Endorsement, NJDEP will require that they impose stream corridor protection ordinances.

Commenter 9: Mr. Mike Hurston, Co-Chair of the Sierra Club – North Jersey Group expressed concerns for the Flood Hazard Areas (FHAs) throughout the county. Mr. Hurston addressed that in April of 2007, Bergen County and North Jersey had experienced its second 100-year storm in 10 years. He stated that the policies are not addressing these flood areas. He maintains that FHAs should not be shown as overlays but as Critical Environmental Sites (CESSs). He stated that the impact of these storms has created huge problems with sewage backup, as the Bergen County Utilities Authority (BCUA) does not have adequate capacity and

has problems with their sewer lines. Mr. Hurston stated that the stormwater management rules will not address these problems. Mr. Hurston also stated that the State Plan does not provide enough protections for habitat and that CESs are being removed where development exists. Mr. Hurston also provided that there is no consistency between the State Plan and the Highlands Water Protection and Planning Act (HWPPA) because Mahwah and Oakland Boroughs are designated as PA-1. He went on to stress that Bergen County has a water supply and infrastructure problem. Mr. Hurston maintains that the policies identified in the negotiation worksheets fail to address the abovementioned issues.

Mr. Hurston also stated that he was the Cross-acceptance Coordinator for the Borough of Oradell. Oradell has wetlands that are close in proximity to the Oradell Reservoir that was requested to become a CES. There are railroad tracks that run along this riparian corridor and between the tracks and the Hackensack River lies important habitat, such as the Black-Crowned Night Heron. Mr. Hurston also brought up the 400-year old ginkgo tree that has the largest crown than any other tree in New Jersey and is 17 feet around. This tree was not designated as a CES because it does not meet the 2 acre threshold. Mr. Hurston provided that Oradell Borough has not intention to protect this tree through a local protection ordinance, as they are disbanding their Shade Tree Commission. There are also a number of sites that were requested to become CESs; however these requests were retracted by the Borough of Oradell. One was Hague Park which was scheduled to be developed for six house subdivision even though Green Acres had contributed money to preserve this tract, as did the Bergen County Open Space Trust Fund – this item was retracted by the Borough. White Beaches Country Club was also retracted by the Borough. The Hackensack Golf Course, which is the head waters to the Bandsaw Mill Brook and has wetlands and the CES was removed by the Borough. Mr. Hurston claims this was retracted because Oradell Borough Councilman Joseph L. Murray is on the Hackensack Golf Club Board of Directors. There is also a site that is across the river from Van Buskirk Island, which is a PA-5. This also has Black Crowned Night Heron located on the Island and the island is slated for development. This site was requested to be designated a CES; however Mr. Hurston maintains that this was retracted by the Borough because Oradell Borough Councilman Joseph L. Murray's office is less than 200 feet from the site. The Herring Brook wetlands were suggested by the Borough to become a CES and were once owned by the Borough but were then sold and that was also retracted. The State needs to look at the environmental sites within Bergen County if the State intends on appropriating more growth in Bergen County. Mr. Hurston provided that the Sierra Club is a formal objector to all policies outlined in the negotiation worksheets for Bergen County and to the State Plan.

ADJOURN

Mr. Spinelli adjourned the hearing at 8:48 p.m.